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DATE: December 23, 2005

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	NAME	FAX	PHONE
TO:	M/S: Amendment Commissioner for Patents	(571)273-8300	

FROM:	Maritza D. Kidd maritza.kidd@bingham.com	(650) 849-4800	(650) 849-4481
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PAGES: (INCLUDING THIS COVER PAGE): 7

RE: Amendment and Response - Appl S/N: 10/008,379

## MESSAGE:

PLEASE DELIVER TO EXAMINER **Fineman, Lee A.**

I hereby certify that an Amendment and Response (5 pages); and transmittal (1 page) are being submitted to the United States Patent and Trademark Office on the date above. Please confirm receipt via facsimile. Thank you.

  
Maritza Kidd

For transmission problems, please call (650) 849-4825

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PA/52175264.1

Docket No. 2024738-7030240000  
CYM-037 (11.020012)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Garrick Maenle, et al.

Serial No.: 10/008,379

Filed: November 5, 2001

For: CYTOLOGICAL AUTOFOCUSING  
IMAGING SYSTEMS AND METHODS

Confirmation No.: 4705

Group Art Unit: 2872

Examiner: Fineman, Lee A.

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## AMENDMENT TRANSMITTAL

Mail Stop: Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450  
Sir:Transmitted herewith is a Response to Office Action mailed 12/13/2005, for the  
above-identified application. Enclosed are the following:

- ☒ Amendment and Response to Office Action (5 pages); and
- ☒ Transmittal with certificate of facsimile transmission (1 page).

Dated

12/23/05

By:

Respectfully submitted,  
BINGHAM McCUTCHEN LLPDavid T. Burse  
Reg. No. 37,104BINGHAM McCUTCHEN LLP  
Three Embarcadero Center  
San Francisco, CA 94111  
Telephone: (650) 849-4908; Facsimile: (650) 849-4800CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. §1.6 (d))I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via  
fax on the date shown below to U.S. Patent and Trademark's fax number at: (571)273-8300 addressed to:  
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.12/23/05  
Date of facsimile transmission

Maritza Kidd

Name of Person transmitting Paper

Signature of Person transmitting Paper

PA/52175263.1

Docket No. 2024738-7030240000  
CYM-037 (11.020012)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 20231-1450

Dear Sir:

In response to the Office Action dated December 13, 2005, Applicants hereby elect (without traverse) the invention of Group III, including claims 130-144, and as reflected in the accompanying amendment. A complete listing of the claims begins on page 2. Remarks begin on page 5.